

**ORIGINAL****FILED**

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CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABY                      DEPUTY

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5 Bartell Hotels, a California Limited Partnership,  
dba Half Moon Anchorage  
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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **'07CV 2097 L BLM**

11 BARTELL HOTELS, A California Limited  
Partnership, dba HALF MOON ANCHORAGE,

12 Plaintiff,

13 v.

14 M/Y CLAIRE IRENE, a 1968 Owens Motor  
15 Yacht of Approximately 40-Foot In Length And  
11-Foot In Beam, Bearing California D.M.V.  
16 Registration No. CF 8646 ED, AND ALL OF  
HER ENGINES, TACKLE, ACCESSORIES,  
17 EQUIPMENT, FURNISHINGS AND  
APPURTENANCES, *in rem*,

18 Defendant.  
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Case No.

IN ADMIRALTY

EX PARTE APPLICATION FOR  
ORDER AUTHORIZING  
ISSUANCE OF A WARRANT FOR  
ARREST OF DEFENDANT  
VESSEL

F.R.C.P. Supplemental Admiralty  
Rules C and E.

21 Plaintiff BARTELL HOTELS, a California Limited Partnership, dba HALF MOON  
22 ANCHORAGE (hereinafter "PLAINTIFF") by and through its attorneys, respectfully  
23 requests that this Honorable Court issue an Order authorizing the immediate issuance of a  
24 Warrant for Arrest for M/Y CLAIRE IRENE, a 1968 Owens Motor Yacht of Approximately  
25 40-Foot In Length And 11-Foot In Beam, Bearing California D.M.V. Registration No. CF  
26 8646 ED, and all of her engines, tackle, accessories, equipment, furnishings and  
27 appurtenances ("DEFENDANT VESSEL"), and in support thereof, represents as follows:

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1           1.     The within action is an action *in rem* to establish PLAINTIFF's right to retake  
2 possession of its slip, to recover damages based on the commission of maritime tort of  
3 trespass and for the breach of a maritime contract for wharfage services by the *in rem*  
4 DEFENDANT VESSEL.

5           2.     The Verified Complaint and the Declaration of Philip E. Weiss demonstrates  
6 this action is one properly within admiralty jurisdiction, as it is based principally on the  
7 trespass of the DEFENDANT VESSEL and for her breach of a maritime contract for the  
8 provision of wharfage services, and because an action *in rem* is cognizable only in a Federal  
9 District Court sitting in Admiralty.

10          3.     The Supplemental Rules for Admiralty and Maritime Claims, as amended,  
11 effective August 1, 1985, require judicial scrutiny of the Complaint to authorize the issuance  
12 of a Warrant of Arrest, as well as provision of notice to the defendants, to permit them an  
13 opportunity for prompt post-seizure hearing, if requested by them.

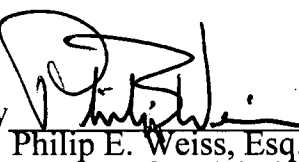
14          WHEREFORE, PLAINTIFF prays that an Order issue authorizing a Warrant for the  
15 Arrest of the DEFENDANT VESSEL, and providing for a prompt post-seizure hearing, if  
16 requested, pursuant to the Supplemental Admiralty Rules, as amended.

17 Dated: October ~~20~~ 2007

Respectfully submitted,

WEISS & JONES

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20 By



Philip E. Weiss, Esq.  
Attorney for Plaintiff  
Bartell Hotels,  
a California Limited Partnership,  
dba Half Moon Anchorage